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Resolution adopted by the Human Rights Council on 22 June 2017

35/1. Seventieth anniversary of the Universal Declaration of Human Rights and twenty-fifth anniversary of the Vienna Declaration and Programme of Action

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments,

Noting that 2018 will mark the seventieth anniversary of the Universal Declaration of Human Rights[1] and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] and acknowledging the importance of these instruments for the promotion and the protection of all human rights,

Emphasizing that the anniversaries offer a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat them globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

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[1] General Assembly resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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Stressing the necessity for continued national efforts with a view to the full realization of all human rights and fundamental freedoms, and acknowledging the benefits of enhanced international cooperation to that end,

1. *Decides* to convene, at its thirty-seventh session, a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights[Error! Bookmark not defined.] and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action,[2] with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard;

2. *Requests* the Office of the United Nations High Commissioner for Human Rights to liaise with States, relevant United Nations bodies and agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring their participation in the panel discussion, and to make it fully accessible for persons with disabilities;

3. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its thirty-eighth session and to the General Assembly;

4. *Invites* the United Nations High Commissioner for Human Rights to make provisions for events and arrangements aimed at the celebration of the anniversaries and to circulate the relevant information among States and other stakeholders;

5. *Encourages* States to use these anniversaries as a tool to raise awareness of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action and their role in the promotion and protection of all human rights and fundamental freedoms;

6. *Invites* the General Assembly to consider holding a special commemorative meeting on the occasion of the anniversaries in 2018.

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[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 22 June 2017

35/2. The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 32/22 of 1 July 2016, and the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education,

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] which includes, inter alia, the Sustainable Development Goal of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all,

Reiterating the commitment to strengthen the means of implementation, in accordance with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2] for ensuring the full realization of the Sustainable Development Goals, and in this context welcoming the adoption of the Education 2030 Framework For Action, which aims to mobilize all countries and partners and to provide guidance for achieving Goal 4 on education and its targets,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and that women are disproportionately represented among illiterate adults, owing to, inter alia, cultural or religious reasons, early marriage or pregnancy, or on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technology, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators and ensuring justiciability, as appropriate, of this right, and aware of the role that communications procedures can play in promoting the justiciability of the right to education,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures, such as:

(*a*) Addressing issues of availability, accessibility, quality and equality in education, including in non-formal education mechanisms and programmes, and in this regard ensuring the access of adults to education;

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[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

(*b*) Creating an enabling policy environment, as appropriate, for the recognition, validation and accreditation of knowledge, skills and competencies acquired through non-formal and informal learning, in order for such learning to be recognized and used in the formal education system or the job market;

(*c*) Contemplating non-formal and informal learning in the context of emergency response plans, in order to ensure that education continues to be delivered;

(*d*) Assessing the quality of education, including non-formal education mechanisms and programmes, including through independent assessments, and taking appropriate remedial or other action to address policies or practices that prevent the enjoyment of the right to education by, inter alia, engaging with existing national human rights mechanisms, parliamentarians and civil society;

(*e*) Putting in place a regulatory framework for education providers, including those operating independently or in partnership with States, guided by international human rights obligations, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including by implementing special programmes to address inequality of and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, and to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Calls upon* States to promote technical vocational education and training, as well as apprenticeship, by implementing appropriate policies and programmes, as a means of ensuring the realization of the right to education;

6. *Welcomes*:

(*a*) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on realizing the right to education through non-formal education;[3]

(*b*) The work of the treaty bodies and the special procedures of the Human Rights Council in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

[3] A/HRC/35/24.

(*c*) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and education-related Sustainable Development Goals;

7. *Calls upon* States to implement the 2030 Agenda for Sustainable Development,[1] including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and promote lifelong learning for all;

8. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

9. *Requests* the Special Rapporteur to take fully into account, in the discharge of her mandate, all provisions of Human Rights Council resolutions on the right to education and to apply a gender perspective to her work;

10. *Requests* all States to continue to cooperate with the Special Rapporteur with a view to facilitating her tasks in the discharge of her mandate, and to respond favourably to her requests for information and visits;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

13. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and persons with low qualifications;

14. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in the realization of the right to education, including through the use of information and communications technology;

15. *Calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including higher education in humanitarian emergencies and conflict situations;

16. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

17. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including bullying of children, in schools and other educational settings, such as school-related gender-based violence, and to realize gender equality and the right to education for all;

18. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

19. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

20. *Encourages* the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

21. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

22. *Decides* to remain seized of the matter.

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[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 22 June 2017

35/3. Human rights and international solidarity

The Human Rights Council,

Reaffirming all previous resolutions and decisions adopted by the Commission on Human Rights and the Human Rights Council on the issue of human rights and international solidarity, including Commission resolution 2005/55 of 20 April 2005 and Council resolutions 6/3 of 27 September 2007, 7/5 of 27 March 2008, 9/2 of 24 September 2008, 12/9 of 1 October 2009, 15/13 of 30 September 2010, 17/6 of 16 June 2011, 18/5 of 29 September 2011, 21/10 of 27 September 2012, 23/12 of 13 June 2013, 26/6 of 26 June 2014, 29/3 of 2 July 2015 and 32/9 of 30 June 2016,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Underlining the fact that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter of the United Nations and international law,

Recalling that, at the World Conference on Human Rights, held in June 1993, States pledged to cooperate with each other in ensuring development and eliminating obstacles to development, and stressed that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Reaffirming the fact that article 4 of the Declaration on the Right to Development states that sustained action is required to promote more rapid development of developing countries and, as a complement to the efforts of developing countries, effective international cooperation is essential in order to provide these countries with the appropriate means and facilities to foster their comprehensive development,

Recognizing that the attention paid to the importance of international solidarity as a vital component of the efforts of developing countries to realize the right to development of their peoples and to promote the full enjoyment of economic, social and cultural rights by

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everyone has been insufficient, and in this context reaffirming the critical relevance of international solidarity to the implementation of the 2030 Agenda for Sustainable Development,[1]

Reaffirming the fact that the widening gap between economically developed and developing countries is unsustainable and that it impedes the realization of human rights in the international community, and makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap,

Reaffirming also the crucial importance of increasing the resources allocated for official development assistance, recalling the pledge of industrialized countries to allocate 0.7 per cent of their gross national product for official development assistance, and recognizing the need for new and additional resources to finance the development programmes of developing countries,

Affirming the fact that the achievement of the Sustainable Development Goals and the realization of the right to development call for a more enlightened approach, mindset and action based on a sense of community and international solidarity,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours through an increased and sustained effort of international cooperation and solidarity,

Asserting the necessity of establishing new, equitable and global links of partnership and intra-generational solidarity for the perpetuation of humankind,

Resolved to strive to ensure that present generations are fully aware of their responsibilities towards future ones, and that a better world is possible for both present and future generations,

1. *Reaffirms* the recognition set forth in the declaration adopted by the Heads of State and Government at the Millennium Summit of the fundamental value of solidarity to international relations in the twenty-first century in stating that global challenges must be managed in a way that distributes costs and burdens fairly, in accordance with the basic principles of equity and social justice, and that those who suffer or benefit least deserve help from those who benefit most;

2. *Also reaffirms* that international solidarity is not limited to international assistance and cooperation, aid, charity or humanitarian assistance; it is a broader concept and principle that includes sustainability in international relations, especially international economic relations, the peaceful coexistence of all members of the international community, equal partnerships and the equitable sharing of benefits and burdens;

3. *Reiterates its determination* to contribute to the solution of current world problems through increased international cooperation, to create conditions that will ensure that the needs and interests of future generations are not jeopardized by the burden of the past, and to hand over a better world to future generations;

4. *Reaffirms* the fact that the promotion of international cooperation is a duty for States, and that it should be implemented without any conditionality and on the basis of mutual respect, in full compliance with the principles and purposes of the Charter of the United Nations, in particular respect for the sovereignty of States, and taking into account national priorities;

[1] General Assembly resolution 70/1.

5. *Recognizes* that international solidarity shall be a new foundational principle underpinning contemporary international law;

6. *Also recognizes* that there is an overwhelming manifestation of solidarity by States, individually and collectively, by civil society, by global social movements and by countless people of goodwill reaching out to others, and that this solidarity is commonly practised at the national, regional and international levels;

7. *Acknowledges* the increased need for States and other actors to come together and take collective action in solidarity;

8. *Welcomes* the report of the Independent Expert on human rights and international solidarity[1] and the work conducted by her, including the preparation of a draft declaration on the right to international solidarity;

9. *Decides* to extend the mandate of the Independent Expert on human rights and international solidarity for a period of three years;

10. *Requests* all States, United Nations agencies, other relevant international organizations and non-governmental organizations to mainstream the right of peoples and individuals to international solidarity into their activities, to cooperate with the Independent Expert in his or her mandate, and to supply all necessary information requested by the mandate holder, and requests States to give serious consideration to responding favourably to the requests of the Independent Expert to visit their countries to enable the Independent Expert to fulfil his or her mandate effectively;

11. *Requests* the Independent Expert to continue to participate in relevant international forums and major events with a view to promoting the importance of international solidarity in the achievement of the 2030 Agenda for Sustainable Development, especially those goals relating to economic, social and climate issues, and invites Member States, international organizations, United Nations agencies and other relevant organizations to facilitate the meaningful participation of the Independent Expert in these international forums and major events;

12. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

13. *Reiterates its request* to the Independent Expert to take into account the outcomes of all major United Nations and other global summits and ministerial meetings in the economic, social and climate fields and to continue to seek views and contributions from Governments, United Nations agencies, other relevant international organizations and non-governmental organizations in the discharge of the mandate of the Independent Expert;

14. *Requests* the Independent Expert to report regularly to the Human Rights Council and to the General Assembly in accordance with their respective programmes of work;

[1] A/HRC/35/35.

15. *Decides* to continue its consideration of this matter under the same agenda item.

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22 June 2017

[Adopted by a recorded vote of 32 to 15, with no abstention. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

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35/4. Promotion of the right to peace

The Human Rights Council,

Recalling all previous resolutions on the promotion of the right to peace and the promotion of peace as a vital requirement for the full enjoyment of all human rights by all, adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, in particular Council resolution 32/28 of 1 July 2016,

Welcoming the adoption by the General Assembly, by its resolution 71/189 of 19 December 2016, of the Declaration on the Right to Peace,

Recalling that States, the United Nations and specialized agencies should take appropriate sustainable measures to implement the Declaration, in particular the United Nations Educational, Scientific and Cultural Organization,

1. *Recalls* that everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized;

2. *Stresses* that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies;

3. *Recognizes* that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and socioeconomic development is ensured;

4. *Decides* to convene, with the support of the United Nations High Commissioner for Human Rights, in the period between the thirty-seventh and the thirty-eighth sessions of the Human Rights Council, a half-day intersessional workshop on the right to peace, to discuss the implementation of the Declaration on the Right to Peace;

5. *Requests* the High Commissioner to submit a report on the workshop, in the form of a summary, to the Human Rights Council at its thirty-ninth session;

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6. *Encourages* all Member States, specialized agencies and civil society to participate in the discussions of the workshop so that worldwide representation in the debates can be ensured;

7. *Decides* to remain seized of the matter.

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[Adopted by a recorded vote of 32 to 11, with 4 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Belgium, Croatia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Georgia, Portugal, Switzerland]

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Resolution adopted by the Human Rights Council on 22 June 2017

35/5. Mandate of the Special Rapporteur on trafficking in persons, especially women and children

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous General Assembly and Human Rights Council resolutions on the problem of trafficking in persons, especially women and children, including Council resolutions 26/8 of 26 June 2014, on the mandate of the Special Rapporteur on trafficking in persons, especially women and children, and 32/3 of 30 June 2016, on protecting victims of trafficking and persons at risk of trafficking, especially women and children, in conflict and post-conflict situations,

Reaffirming also the principles set forth in relevant human rights instruments and declarations, including the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol thereto,

Reaffirming further the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and reaffirming in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] and recalling targets 5.2, 8.7 and 16.2, which aim at eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; taking immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and

[1] General Assembly resolution 70/1.

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ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

Recalling Economic and Social Council resolution 2015/23 of 21 July 2015 on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007,

1. *Welcomes* the work of the Special Rapporteur on trafficking in persons, especially women and children, in the promotion of the global fight against trafficking in persons;

2. *Takes note with appreciation* of the thematic report of the Special Rapporteur on strengthening voluntary standards for businesses on preventing and combating trafficking in persons and labour exploitation, especially in supply chains,[2] and her thematic reports on trafficking in persons in conflict and post-conflict situations;[3]

3. *Decides* to extend the mandate of the Special Rapporteur on trafficking in persons, especially women and children, for a period of three years;

4. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries, to provide her with all necessary information related to the mandate and to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

5. *Underlines* the importance that the Special Rapporteur continue to participate in relevant international forums and events on migration with a view to combating trafficking and upholding the human rights of victims of trafficking in persons, especially women and children;

6. *Requests* the United Nations High Commissioner for Human Rights to ensure that the Special Rapporteur receives the resources necessary to enable her to discharge the mandate fully;

7. *Decides* to continue consideration of the issue of trafficking in persons, especially women and children.

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[Adopted without a vote.]

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[2] A/HRC/35/37.

[3] A/HRC/32/41 and Corr.1 and A/71/303.

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35/6. Special Rapporteur on the rights of persons with disabilities

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, and guided also by the Universal Declaration of Human Rights, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed the full enjoyment of their rights and freedoms without discrimination of any kind,

Deeply concerned that, in all parts of the world, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights, and conscious that greater attention and commitment is needed to address these challenges,

Recalling all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the rights of persons with disabilities,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling further its resolution 26/20 of 27 June 2014,

1. *Reaffirms* the obligation of States to take all appropriate measures to eliminate discrimination against persons with disabilities and to promote, protect and respect their human rights;

2. *Welcomes* the work of the Special Rapporteur on the rights of persons with disabilities;

3. *Decides* to extend the mandate of the Special Rapporteur on the rights of persons with disabilities for a further period of three years, with the following mandate:

(*a*) To develop a regular dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks designated under article 33, paragraph 2, of the Convention on the Rights of Persons with Disabilities, persons with disabilities and their representative organizations, and other civil society organizations, to identify, exchange and promote good practices relating to the realization of the rights of persons with disabilities and their participation as equal members of society;

(*b*) To gather, request, receive and exchange information and communications from and with States and other relevant sources, including persons with disabilities and their representative organizations and other civil society organizations, on violations of the rights of persons with disabilities;

(*c*) To make concrete recommendations on how to better promote and protect the human rights of persons with disabilities, including on eliminating discrimination, violence and social exclusion, how to contribute to the realization of the internationally agreed development goals for persons with disabilities, in the Sustainable Development Goals, and related data-collection efforts, how to promote development that is inclusive of and accessible to persons with disabilities, and how to promote their role as both agents for and beneficiaries of development;

(*d*) To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts for the effective realization of the rights of persons with disabilities;

(*e*) To raise awareness of the rights of persons with disabilities, to combat stigma, stereotypes, prejudices, segregation and all harmful practices that hinder their opportunity to fully enjoy their human rights to participate in society on an equal basis with others, to promote awareness of their positive contributions and to inform persons with disabilities about their rights;

(*f*) To work closely with the special procedures and other human rights mechanisms of the Human Rights Council, the treaty bodies, in particular the Committee on the Rights of Persons with Disabilities, and other relevant United Nations agencies, programmes and funds, including the United Nations Partnership to Promote the Rights of Persons with Disabilities, and the Special Envoy of the Secretary-General on Disability and Accessibility with a view to avoiding unnecessary duplication, including in relation to communications;

(*g*) To cooperate closely with the Conference of States Parties to the Convention on the Rights of Persons with Disabilities and the Commission for Social Development, including by participating in their annual sessions upon request;

(*h*) To integrate a gender perspective throughout the work of the mandate and to address multiple, intersecting and aggravated forms of discrimination faced by persons with disabilities;

(*i*) To report annually to the Human Rights Council, starting from its thirty-seventh session, and to the General Assembly, starting from its seventy-second session, in accessible formats, including Braille and easy-to-read reports, and international sign language interpretation and closed captioning during the presentation of the reports, and in accordance with their respective programmes of work;

4. *Calls upon* all States to cooperate with the Special Rapporteur in the performance of his or her mandate, including by providing all necessary information requested, to give serious consideration to responding favourably to his or her requests to visit their countries, and to consider the conclusions and appropriate follow-up, and implementing the recommendations made by the mandate holder in his or her reports;

5. *Encourages* all relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, national independent monitoring frameworks, the private sector, donors and development agencies to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil his or her mandate;

6. *Calls upon* those States that have not yet done so to consider ratifying or acceding to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto as a matter of priority;

7. *Requests* the Secretary-General to bring the reports of the Special Rapporteur to the attention of the Committee on the Rights of Persons with Disabilities, the Conference of States Parties and the Commission for Social Development for their information and to avoid unnecessary duplication;

8. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of his or her mandate.

34th meeting
22 June 2017

[Adopted without a vote.]

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Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/7. Business and human rights: mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement by consensus of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address the adverse human rights impact of business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" framework,[1]

Recalling its resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

Recognizing the progress made and the continuing efforts to implement the Guiding Principles by some States, business enterprises, international organizations and members of civil society, and the role of the United Nations Global Compact in, inter alia, promoting the Guiding Principles,

[1] A/HRC/17/31, annex.

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Recognizing also the valuable role played by civil society, including non-governmental organizations, in promoting accountability for business-related human rights abuses and in raising awareness of the human rights impact and risks of some business enterprises and activities,

Noting the role that national action plans and other such frameworks on business and human rights can play as tools for promoting the comprehensive and effective implementation of the Guiding Principles,

Concerned at legal and practical barriers to remedies for business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues, and recognizing that it may be further considered how relevant legal frameworks can provide more effective avenues of remedy for affected individuals and communities,

Recalling the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles and exploring options for enhancing access to effective remedies,

Recognizing that the annual Forum on Business and Human Rights has become a valuable opportunity to promote dialogue and cooperation on issues linked to lessons learned on business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as to identify good practices,

Recognizing also the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard,

Recalling the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 (2013) of the Committee on the Rights of the Child,

Welcoming the adoption by the General Assembly, in its resolution 70/1 of 25 September 2015, of the 2030 Agenda for Sustainable Development", and in this context, in particular paragraph 67 thereof,

Taking note of the adoption by the Governing Body of the International Labour Organization in March 2017 of the revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, which takes into account, inter alia, the Guiding Principles,

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfilment of its mandate, and notes its role in regional forums and consultations to discuss challenges and lessons learned from implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context;

2. *Recognizes* that the effective implementation of the Guiding Principles should cover a broad range of public policy areas and involve the participation of relevant stakeholders, and encourages all States to take steps to implement the Guiding Principles, including by developing a national action plan or other such framework;

3. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles;

4. *Takes note* of the report of the Working Group on the challenges and opportunities for small and medium-sized enterprises in the implementation of the Guiding Principles[2] and its study on cross-border cooperation between States with respect to law enforcement on the issue of business and human rights,[3] prepared pursuant to Human Rights Council resolution 32/10;

5. *Welcomes* the efforts of the Working Group to collect and disseminate information on ongoing processes to develop national action plans and other relevant data on global progress in the implementation of the Guiding Principles, and in this regard invites States and all relevant stakeholders to submit information to and engage with the Working Group on their national action plans and other relevant initiatives and on the implementation of such commitments;

6. *Notes with appreciation* the guidance prepared by the Working Group for the development and implementation of effective national action plans or other such frameworks, including with regard to access to both judicial and non-judicial remedy;

7. *Encourages* the Working Group to promote good practices and to identify challenges in the implementation of the Guiding Principles;

8. *Welcomes* the role of the Working Group in guiding the three-day annual Forums on Business and Human Rights;

9. *Decides* that the Working Group shall guide the work of the Forum and prepare its annual meetings, and invites the Working Group to chair the Forum and to submit a report on the proceedings and thematic recommendations of the Forum to the Human Rights Council for its consideration;

10. *Welcomes* that the central theme of the 2017 Forum on Business and Human Rights is "Realizing access to Remedy" as it can allow taking stock and identifying further ways forward in the implementation of the third pillar of the Guiding Principles;

11. *Decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as set out by the Human Rights Council in its resolution 17/4, for a period of three years;

12. *Requests* the Working Group, in accordance with its mandate, to give due consideration to the implementation of the Guiding Principles in the context of the 2030 Agenda for Sustainable Development;

13. *Encourages* all States, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as public and private businesses to cooperate fully with the Working Group in the fulfilment of its mandate by, inter alia, responding to communications transmitted, as provided in paragraph 6 (*b*) of resolution 17/4, and, in the case of States, to reply favourably to requests for visits by the Working Group;

14. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments, and invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

15. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human

[2] A/HRC/35/32.
[3] A/HRC/35/33.

rights abuses and to inform further delibc ations of the Human Rights Council on business and human rights;

16. *Welcomes* the efforts made by national human rights institutions to enhance their capacity to support corporate responsibility, including through the implementation of the Guiding Principles by all stakeholders;

17. *Recalls* the report of the Secretary-General on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies,[4] and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles throughout the United Nations system;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the resources and assistance necessary for the Working Group to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

19. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the growing participation in the Forum and paying particular attention to regional balance and ensuring the participation of affected individuals and communities;

20. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

34th meeting
22 June 2017

[Adopted without a vote.]

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[4] A/HRC/26/20.

United Nations A/HRC/RES/35/8

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Thirty-fifth session
6–23 June 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/8. Enhancement of international cooperation in the field of human rights

The Human Rights Council,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, and relevant provisions of the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

Recalling also General Assembly resolution 41/128 of 4 December 1986, entitled "Declaration on the Right to Development", in which the Assembly stated that States have the duty to cooperate with each other in ensuring development and eliminating obstacles to development,

Recalling further all decisions and resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the enhancement of international cooperation in the field of human rights, the latest of which being Council resolution 32/6 of 30 June 2016 and Assembly resolution 71/194 of 19 December 2016,

Taking note with appreciation of the final document and declaration adopted at the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, in which the States members of the Movement of Non-Aligned Countries reiterated, inter alia, that South-South cooperation is an important element of international cooperation for the sustainable development of their peoples, as a complement to and not as a substitute for North-South cooperation, which allows for the transfer of appropriate technologies, in favourable conditions and on preferential terms,

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Recalling the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Durban Review Conference, held in Geneva from 20 to 24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and their role in the enhancement of international cooperation in the field of human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing also that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Underlining that cooperation is a matter not only of relations of good-neighbourliness, coexistence or reciprocity but also of a willingness to look beyond mutual interests in order to advance the general interest,

Stressing the importance of international cooperation for improving the living conditions of all in every country, including in particular in developing countries,

Recognizing the need to continue to mutually enrich South-South cooperation, based on the diverse experiences of and good practices from South-South cooperation, triangular cooperation and North-South cooperation, and to further explore complementarities and synergies between them with the aim of enhancing international cooperation in the field of human rights,

Determined to take new steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Recalling General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, and reaffirming that the work of the Council shall be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation with a view to enhancing the promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development,

Recognizing that the enhancement of international cooperation and genuine dialogue is significant to promote the effective functioning of the international human rights system,

Reiterating the role played by the universal periodic review as an important mechanism in contributing to the enhancement of international cooperation in the field of human rights,

Recalling Human Rights Council resolution 6/17 of 28 September 2007, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developed countries and landlocked developing countries, in the universal periodic review mechanism, and to establish also a voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help States to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the State concerned,

Reaffirming that dialogue among and within religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

Reiterating the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

Emphasizing that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

Recognizing that cultural diversity and the promotion and protection of cultural rights are sources of mutual enrichment for the cultural life of humankind, and reaffirming that cultural diversity represents a source of unity rather than division and a vehicle for creativity, social justice, tolerance and understanding,

Emphasizing the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

Underlining the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are fundamental elements in all activities for the promotion and protection of human rights,

Stressing the need to explore ways and means for enhancing genuine cooperation and constructive dialogue among Member States in the field of human rights,

1. *Reaffirms* that it is one of the purposes of the United Nations and also the primary responsibility of States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

4. *Underlines* the fact that States have pledged themselves to cooperate and act in collaboration with the United Nations, in accordance with the Charter, for the achievement of universal respect for and observance of human rights;

5. *Reaffirms* that States should realize their rights and fulfil their duties in such a manner as to promote a new international economic order based on sovereign equality, interdependence, mutual interest and cooperation among all States, as well as to encourage the observance and realization of human rights;

6. *Also reaffirms* that dialogue among and within cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

7. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and the promotion of and respect for cultural diversity and universal human rights, and to reject

all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

8. *Resolves* to promote respect for and preserve cultural diversity within and between communities and nations while respecting human rights law, including cultural rights, with a view to creating a harmonious multicultural world;

9. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

10. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter and in international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

11. *Emphasizes* the need to promote a cooperative and constructive approach to the promotion and protection of human rights, and to further enhance the role of the Human Rights Council in promoting advisory services, technical assistance and capacity-building to support efforts to ensure the equal realization of all human rights and fundamental freedoms, where appropriate;

12. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, objectivity and transparency and the enhancement of international cooperation, in a manner consistent with the purposes and principles set out in the Charter;

13. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

14. *Also emphasizes* the role of international cooperation in support of national efforts and in raising the capacities of States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

15. *Takes note* of the annual update on the activities of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;[1]

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to seek to enhance dialogue with representatives from non-traditional donor countries with a view to broadening the donor base and to replenishing the resources available to the funds;

17. *Also requests* the Office of the High Commissioner to make clear the process by which States request assistance from the funds, and to process such requests in a timely and transparent manner that adequately responds to the requesting States;

18. *Urges* States to continue to support the funds;

19. *Calls upon* States, specialized agencies and intergovernmental organizations to continue to carry out a constructive and cooperative dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and

[1] See A/HRC/32/51 and A/HRC/34/74.

fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

20. *Calls upon* States to further advance initiatives aimed at enhancing international cooperation in the field of human rights on issues of common interest and concern, bearing in mind the need to promote a cooperative and constructive approach in this regard;

21. *Urges* States to take the measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

22. *Requests* all Member States and the United Nations system to foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

23. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

24. *Recalls* that, in its resolution 71/194, the General Assembly requested the Secretary-General, in collaboration with the High Commissioner, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

25. *Decides* to continue its consideration of the matter in 2018, in accordance with its annual programme of work.

44th meeting
22 June 2017

[Adopted by a recorded vote of 32 to 3, with 12 abstentions.* The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Hungary, Republic of Korea, United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Germany, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland]

* The delegation of Hungary subsequently stated that it had intended to abstain.

members of society, including isolation, discrimination and violations and abuses of their human rights, and conscious that greater attention is needed to address these challenges,

Reaffirming that persons affected by leprosy and their family members, including women and children, should be treated with dignity and are entitled to the enjoyment of all human rights and fundamental freedoms under customary international law, relevant conventions and national constitutions and laws,

Recognizing that persons affected by leprosy and their family members still face multiple forms of prejudice and discrimination stemming from misinformation about and misunderstanding of the disease throughout the world,

Recognizing also that specific attention is needed to address all forms of discrimination against persons affected by leprosy and their family members,

Bearing in mind the need to intensify efforts to eliminate all forms of prejudice and discrimination against persons affected by leprosy and their family members and to promote policies facilitating their inclusion, throughout the world,

Stressing the importance of implementing the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members, submitted by the Advisory Committee in 2010,[1] to which Governments, relevant United Nations bodies, specialized agencies, funds and programmes, other intergovernmental organizations and national human rights institutions were encouraged to give due consideration in Council resolution 15/10 and General Assembly resolution 65/215,

Welcoming the final report of the Advisory Committee, submitted pursuant to Human Rights Council resolution 29/5, and the recommendations contained therein,[2]

1. *Decides* to appoint, for a period of three years, a Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members, with the following mandate:

(*a*) To follow up and report on progress made and measures taken by States for the effective implementation of the principles and guidelines for the elimination of discrimination against persons affected by leprosy and their family members[1] for the realization of the enjoyment of human rights by persons affected by leprosy and their family members in all regions of the world, and to make recommendations to the Human Rights Council in this regard;

(*b*) To engage in dialogue and consult with States and other relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, in particular the World Health Organization, other intergovernmental organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to identify, exchange and promote good practices relating to the realization of the rights of persons affected by leprosy and their family members, and to their participation as equal members of society with a view to achieving a leprosy-free world;

(*c*) To raise awareness of the rights of persons affected by leprosy and their family members and to combat stigmas, prejudices and harmful traditional practices and beliefs that hinder their enjoyment of human rights and fundamental freedoms and their participation in society on an equal basis with others;

[1] A/HRC/15/30, annex.
[2] A/HRC/35/38.

(d) To report annually to the Human Rights Council, starting from its thirty-eighth session;

2. *Calls upon* all States to cooperate with the Special Rapporteur in the discharge of the mandate, including by providing all information requested, to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, and to consider implementing the recommendations made in the reports of the mandate holder;

3. *Encourages* all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial resources necessary for the effective fulfilment of the mandate;

5. *Encourages* the High Commissioner and the Special Rapporteur, in collaboration with States and with relevant international organizations such as the World Health Organization as well as concerned non-governmental organizations, to organize seminars on leprosy-related discrimination, at appropriate times and in appropriate locations, in order to widely disseminate the principles and guidelines and deepen the understanding of them among States and all other concerned stakeholders, ensuring substantial participation by persons affected by leprosy;

6. *Encourages* States, all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programmes, such as the World Health Organization, the special procedures, other international organizations, regional human rights mechanisms, national human rights institutions and non-governmental organizations, to participate actively in the seminars;

7. *Decides* to remain seized of the matter.

34th meeting
22 June 2017

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 22 June 2017

35/10. Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls

The Human Rights Council,

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming also that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child,

Reaffirming also the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, and the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling all relevant resolutions of the Human Rights Council, the Commission on Human Rights, the General Assembly and the Security Council and the relevant resolutions and agreed conclusions of the Commission on the Status of Women, which, inter alia, affirmed that all forms of violence against women and girls must be prevented, condemned and eliminated,

Recalling also its resolution 32/19 of 1 July 2016, entitled "Accelerating efforts to eliminate violence against women: preventing and responding to violence against women and girls, including indigenous women and girls", and General Assembly resolution 71/170 of 19 December 2016, entitled "Intensification of efforts to prevent and eliminate all forms of violence against women and girls: domestic violence",

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: The 2030 Agenda for Sustainable Development", including the commitment of all States to achieve gender equality and the empowerment of all women

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and girls, and to eliminate all forms of violence against all women and girls in the public and private spheres,

Acknowledging the important role played by regional conventions, instruments, declarations and initiatives to combat violence against women and girls,

Taking note with appreciation of the World Health Organization global plan of action to strengthen the role of the health system within a national multisectoral response to address interpersonal violence, in particular against women and girls, and against children, building on existing work of the Organization, in particular its call for the prevention and elimination of all forms of sexual and other forms of gender-based violence in public and private life,

Taking note of the work of the High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Expressing deep concern about the continued prevalence of violence against all women and girls in all its different forms and manifestations worldwide, and re-emphasizing that violence against women and girls violates, abuses or impairs their human rights and, as such, is completely unacceptable,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, which further reinforce gender stereotypes and barriers to women's and girls' full enjoyment of their human rights, and that all forms of violence against women and girls constitute a major impediment to their full, equal and effective participation in society, the economy and political and individual decision-making, as well as in leadership roles, hindering them from the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls in the public and private spheres, including the need to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence,

Recognizing the particular risk of violence faced by all women and girls who suffer multiple and intersecting forms of discrimination, and stressing the urgent need to address all forms of violence and discrimination against them,

Expressing concern at institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures, services and practices that directly or indirectly restrict access to institutions, property and landownership, nationality, health care and services, education, employment and access to credit, which negatively affect their empowerment and increase their vulnerability to violence, and compound the violence experienced,

Recognizing that violence against women is a manifestation of gender inequality and discrimination against women and girls, and can impede their economic independence and impose direct and indirect short- and long-term costs on society and individuals, including, as relevant, lost economic output and the psychological and physical impact thereof, as well as expenses relating to health care, the legal sector, social welfare and specialized services,

Recognizing also that those who are exposed to or experience violence in childhood are at increased risk of becoming perpetrators of violence against women and girls, and therefore recognizing the need to prevent and eliminate violence against women and children in order to help to stop the intergenerational cycle of violence,

Expressing deep concern that, during times of armed conflict and post-conflict, forced displacement and humanitarian crisis situations women and girls face a heightened

risk of sexual and other forms of gender-based violence, and expressing concern at the lack of effective measures of accountability and redress as well as effective remedies, including access to health care and services, psychosocial support, legal assistance and socioeconomic reintegration services for victims of sexual violence,

Fully recognizing that everyone, including men and boys, benefits from the achievement of gender equality and that the negative impacts of gender inequality, discrimination and violence against women and girls are borne by society as a whole, and emphasizing, therefore, that men and boys, by taking responsibility themselves and working jointly in partnership with women and girls at all levels, are essential to efforts to prevent and eliminate all forms of discrimination and violence against women and girls,

Emphasizing the important role that men and boys can play in preventing and eliminating violence against women and girls, including by challenging gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate such violence and further developing and implementing measures that reinforce non-violent actions, attitudes and values, and encouraging men and boys, alongside women and girls, as agents and beneficiaries of gender equality, to take an active part in efforts to prevent and eliminate all forms of violence and discrimination against women and girls,

Bearing in mind the important role that men and boys can play when developing and implementing policies, programmes and strategies for gender equality and for preventing and eliminating violence against women and girls, and in this regard recognizes United Nations and other strategies and initiatives that promote men's and boys' involvement in gender equality, such as the "HeForShe" campaign, as tools in raising awareness of the crucial roles and responsibilities that men and boys play in the achievement of gender equality and the empowerment of women and girls,

Recognizing the importance of investment to close resource gaps for achieving gender equality and the empowerment of all women and girls, and that resources for gender equality initiatives for men and boys should build upon rather than compromise opportunities and resources for women and girls,

1. *Expresses outrage* at the persistence and pervasiveness of all forms of violence against women and girls worldwide;

2. *Recognizes* that violence against women and girls persists in every country in the world as a pervasive violation, abuse or impairment of human rights and is a major impediment to achieving gender equality and the empowerment of all women and girls, sustainable development, peace, security and the internationally agreed development goals, in particular the 2030 Agenda for Sustainable Development;[1]

3. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including digital and online spaces, and notes the economic and social harm caused by such violence;

4. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by State or non-State actors, and calls for the elimination of all forms of sexual and other forms of gender-based violence, including where perpetrated or condoned by the State;

[1] General Assembly resolution 70/1.

5. *Recognizes* the critical role of women and girls as well as of women's and youth organizations and organizations led by women and girls as agents of change, and in this regard urges States to meaningfully engage with women and girls as active and equal participants in the planning, design, implementation and monitoring of legislation, policies and programmes, including programmes aimed at engaging men and boys;

6. *Also recognizes* the critical role of men and boys in preventing and eliminating all forms of discrimination and violence against women and girls in both the public and private spheres, and urges States to design and implement national policies and programmes that address the roles and responsibilities of men and boys in the promotion of gender equality;

7. *Urges* States to condemn strongly and publicly all forms of violence against women and girls in all settings, public and private, and to refrain from invoking any custom, tradition or religious consideration to avoid their obligations with respect to its elimination, including by eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation;

8. *Continues to express particular concern* at the systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon States to fulfil their obligations to prevent violations and abuses against all human rights defenders, including through practical steps to prevent threats, harassment and violence, and to combat impunity by ensuring that those responsible for violations or abuses, including all types of gender-based violence and threats, committed by State or non-State actors, are promptly brought to justice through impartial investigations;

9. *Calls upon* States to take immediate and effective action to prevent violence against women and girls by:

(*a*) Fully engaging men and boys, alongside women and girls, including community and religious leaders, as agents and beneficiaries of achieving gender equality and the empowerment of all women and girls as a contribution to the elimination of violence against women and girls;

(*b*) Addressing the root causes of gender inequality, including gender stereotypes and negative social norms, attitudes and behaviours, and socioeconomic drivers of violence, and unequal power relations such as patriarchal norms that view women and girls as subordinate to men and boys and that normalize, condone or perpetuate discrimination and violence against women and girls;

(*c*) Designing, implementing and regularly monitoring the impact of national policies, programmes and strategies that address the roles and responsibilities of men and boys, including by transforming social-cultural norms and traditional and customary practices that condone violence against women and girls, counteracting attitudes by which women and girls are regarded as subordinate to men and boys or as having stereotyped gender roles that perpetuate practices involving violence or coercion, and aiming to ensure the equal sharing of responsibilities between women and men and girls and boys in unpaid care and domestic work, including through parental leave policies, and increased flexibility in working arrangements which would facilitate the equal sharing of responsibilities;

(*d*) Ensuring the promotion and protection of the human rights of all women and their sexual and reproductive health and reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, including through the development and enforcement of policies and legal frameworks, and strengthening health systems that make quality comprehensive sexual and reproductive health-care services, commodities, information and education universally accessible and

available, including, inter alia, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth attendance and emergency obstetric care, which will reduce obstetric fistula and other complications of pregnancy and delivery, safe abortion where such services are permitted by national law, and the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers, and recognizing that human rights include the right to have control over and to decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free from coercion, discrimination and violence;

(*e*) Strengthening measures to prevent and eliminate violence against and victimization of women and girls living with, at risk of or affected by HIV, and integrating such measures into comprehensive HIV policies and programmes, while fully engaging men and boys to recognize that gender equality and positive social norms promote effective responses to HIV;

(*f*) Engaging, educating, encouraging and supporting men and boys to be positive role models for gender equality and to promote respectful relationships, to refrain from and condemn all forms of discrimination and violence against women and girls, to take responsibility and be held accountable for behaviour, including behaviour that perpetuates gender stereotypes, including misconceptions about masculinities that underlie discrimination and violence against women and girls, to increase their understanding of the harmful effects of violence for the victim/survivor and society as a whole, and to ensure that men and boys take responsibility for their sexual and reproductive behaviour;

(*g*) Developing and implementing educational programmes and teaching materials, including comprehensive sexuality education, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with appropriate direction and guidance from parents and legal guardians, with the active involvement of all relevant stakeholders, in order to modify the social and cultural patterns of conduct of men and women of all ages, to eliminate prejudices and to promote and build decision-making, communication and risk reduction skills for the development of respectful relationships based on gender equality and human rights, as well as teacher education and training programmes for both formal and non-formal education;

(*h*) Developing, investing in and implementing evidence-based policies, strategies and programmes, and awareness-raising campaigns to promote respectful relationships, provide positive role models for gender equality and encourage men and boys, alongside women and girls, to see themselves as agents and beneficiaries of the elimination of all forms of discrimination and violence against women and girls;

(*i*) Enacting or strengthening and enforcing laws and policies to eliminate all forms of violence and harassment against women of all ages in the world of work, including sexual harassment, so as to promote the realization of women's and girls' economic rights and empowerment and to facilitate women's full and productive employment and contribution to the economy, including by engaging men and boys to recognize the societal and economic costs of violence and harassment;

(*j*) Building on evidence-based research and policy initiatives and legislative approaches that support the constructive engagement of men and boys in preventing violence against women and girls, including in primary prevention, prevention skill-building, group education, community outreach, mobilization and mass media campaigns and early childhood gender equality education programmes and curricula;

(*k*) Measuring the effectiveness of policies and programmes to prevent violence against women and girls and to address gender inequalities, including those aimed at engaging men and boys and understanding behavioural change, as well as establishing the

cost of violence against women and girls by collecting adequate and comprehensive disaggregated data and gender statistics to expose the costs of inaction, including through awareness-raising activities;

10. *Also calls upon* States to take immediate and effective action to respond to violence against women and girls and to protect all victims/survivors by:

(*a*) Ensuring that all initiatives on preventing and ending violence against women and girls aimed at engaging men and boys are designed and promoted with the aim of ensuring that the concerns of women and girls, their rights, their empowerment, their safety and their equal and meaningful participation in decision-making at all levels are prioritized;

(*b*) Ensuring that remedies for women and girls subjected to gender-based violence, whether judicial, administrative, policy or other measures, including shelters and protection orders, are women-centred, available, accessible, acceptable, age- and gender-sensitive and adequately address victims'/survivors' rights and needs, including by providing information and education on the importance of protecting confidentiality, preventing stigmatization, revictimization or further harm to victims, allowing reasonable time for women subjected to violence to come forward to seek redress if they choose, and ensuring reasonable evidentiary standards;

(*c*) Holding persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, in order to prevent and respond to such violence in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims/survivors of such violence;

(*d*) Taking practical and concrete steps, in law and in practice, to create a safe and enabling environment where women and girls can easily report incidents of violence and receive post-gender-based violence care, including by providing men and women, particularly law enforcement officials, health-care providers and other first responders, with human rights training to ensure services that are women-centred, responsive to trauma and free from discrimination or stigmatization, and that prevent re-victimization;

(*e*) Developing and implementing the establishment of rehabilitative services in order to encourage and bring changes in the attitudes and behaviour of perpetrators of violence against women and girls and to reduce the likelihood of reoffending, and to monitor and assess their impact and effect, while the safety, support and human rights of the victims/survivors remain their primary concern;

11. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note with appreciation of her reports;[2]

12. *Also welcomes* the panel discussion on violence against women and girls, held during the annual full-day discussion on women's human rights at the thirty-fifth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a summary report on the discussion to the Council at its thirty-seventh session;

13. *Requests* the United Nations High Commissioner for Human Rights, in consultation with the United Nations Entity for Gender Equality and the Empowerment of Women, the United Nations Population Fund and other United Nations funds, programmes and agencies, as well as Member States, international human rights mechanisms, civil

[2] A/HRC/32/42 and Corr.1 and A/HRC/35/30.

society organizations and other relevant stakeholders, to prepare a report before the thirty-eighth session of the Human Rights Council to review promising practices and lessons learned, existing strategies and United Nations and other initiatives to engage men and boys in promoting and achieving gender equality, in particular efforts to challenge gender stereotypes and the negative social norms, attitudes and behaviours that underlie and perpetuate violence against women and girls, and to make recommendations for further action by States and the international community in this regard;

14. *Decides* to continue its consideration of the issue of the elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority, in conformity with its annual programme of work.

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22 June 2017

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35/11. Mandate of the Special Rapporteur on the independence of judges and lawyers

The Human Rights Council,

Recalling all previous resolutions and decisions of the Human Rights Council, as well as those of the Commission on Human Rights and the General Assembly, on the independence of the judiciary and on the integrity of the judicial system,

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are essential prerequisites for the protection of human rights and fundamental freedoms and the application of the rule of law, and for ensuring fair trials without any discrimination,

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Commends* the Special Rapporteur on the independence of judges and lawyers for the important work undertaken in the discharge of the mandate;

2. *Decides* to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 26/7 of 26 June 2014;

3. *Urges* all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to provide all necessary information requested by him or her, to respond to communications transmitted to them by the Special Rapporteur without undue delay, to consider responding favourably to his or her requests for visits and to consider implementing his or her recommendations;

4. *Encourages* the United Nations, including its specialized agencies, and regional organizations, national human rights institutions, independent experts, bar associations, professional associations of judges and prosecutors, non-governmental organizations and other relevant stakeholders, to cooperate to the fullest extent possible with the Special Rapporteur in the fulfilment of his or her mandate;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of his or her mandate;

6. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

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35/12. Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, articles 7, 8, 9, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 9, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Bangalore Principles of Judicial Conduct and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

Recalling also all previous resolutions and decisions of the Human Rights Council, the Commission on Human Rights and the General Assembly on the independence and impartiality of the judiciary and on the integrity of the judicial system,

Taking note of the reports of the Special Rapporteur on the independence of judges and lawyers submitted to the Human Rights Council at its thirty-second[1] and thirty-fifth[2] sessions, and to the General Assembly at its seventy-first session,[3]

Convinced that an independent and impartial judiciary, an independent legal profession, an objective and impartial prosecution able to perform its functions accordingly, and the integrity of the judicial system are prerequisites for the protection of human rights and the application of the rule of law and for ensuring fair trials and the administration of justice without any discrimination,

Recalling that prosecutors should, in accordance with the law, perform their functions fairly, consistently and expeditiously, respect and protect human dignity, and

[1] A/HRC/32/34.
[2] A/HRC/35/31.
[3] A/71/348.

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uphold human rights, thus contributing to due process and the smooth functioning of the criminal justice system,

Emphasizing that the independence and impartiality of the judiciary and the independence of lawyers and the legal profession are necessary elements in the realization of Sustainable Development Goal 16 of the 2030 Agenda of Sustainable Development,[4] in which Member States committed, inter alia, to provide equal access to justice for all and build effective, accountable and inclusive institutions at all levels,

Condemning the increasingly frequent attacks on the independence of judges, lawyers, prosecutors and court officials, in particular threats, intimidation and interference in the discharge of their professional functions,

Recalling that every State should provide an effective framework of remedies to redress human rights grievances or violations and that the administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession consistent with applicable standards contained in relevant international instruments, is essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development,

Recalling also that it is essential to ensure that judges, prosecutors, lawyers and court officials possess the professional qualifications required for the performance of their functions through improved methods of recruitment, as well as legal and professional training, and through the provision of all necessary means for the proper performance of their role in ensuring the rule of law,

Noting the importance of tailored and interdisciplinary human rights training for all judges, lawyers, prosecutors and other professionals concerned in the administration of justice as a measure for avoiding discrimination in the administration of justice,

Stressing the importance of ensuring accountability, transparency and integrity in the judiciary as an essential element of judicial independence and as a concept inherent to the rule of law when it is implemented in line with the Basic Principles on the Independence of the Judiciary and other relevant norms, principles and standards,

Emphasizing that judges, prosecutors and lawyers play a critical role in upholding human rights, including the absolute and non-derogable right of freedom from torture and other cruel, inhuman or degrading treatment or punishment,

Emphasizing also that an independent and impartial judiciary, objective and impartial prosecution services and an independent legal profession, which foster a balanced representation of men and women and the establishment of gender-sensitive procedures, are essential for the effective protection of women's rights, including protection from violence and revictimization through court systems, to ensuring that the administration of justice is free from gender-based discrimination and stereotypes, and to a recognition that both men and women benefit when women are treated equally by the justice sector,

Acknowledging the vital role of professional associations of lawyers in upholding professional standards and ethics, protecting their members from persecution and improper restrictions and infringements and providing legal services to all in need of them,

Recognizing the importance of independent and self-governing bar associations and professional associations of judges and prosecutors, and of non-governmental organizations working in defence of the principle of the independence of judges and lawyers,

[4] General Assembly resolution 70/1.

Expressing its concern about situations where the entry into or continued practice within the legal profession is controlled or arbitrarily interfered with by the executive branch, with particular regard to abuse of systems for the licensing of lawyers,

Stressing the role that independent and effective national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) can and should play in strengthening the rule of law and in supporting the independence and integrity of the judicial system,

Recognizing that accessible and effective legal aid is an essential element of a fair, humane and efficient system of administration of justice that is based on the rule of law,

Noting the rights and specific needs of women, children and persons belonging to minorities, particularly those in situations of vulnerability who are in contact with justice systems, who may require particular attention, protection and skills from the professionals interacting with them, especially from lawyers, prosecutors and judges,

Acknowledging the importance of a privileged lawyer-client relationship based on the principle of confidentiality,

Reaffirming the Human Rights Council resolutions in which the Council extended the mandate of the Special Rapporteur on the independence of judges and lawyers for a period of three years, and acknowledging the importance of the mandate holder's ability to cooperate closely, within the framework of the mandate, with the Office of the United Nations High Commissioner for Human Rights, including in the fields of advisory services and technical cooperation, in the effort to guarantee the independence of judges and lawyers,

1. *Calls upon* all States to guarantee the independence of judges and lawyers and the objectivity and impartiality of prosecutors, and their ability to perform their functions accordingly, including by taking effective legislative, law enforcement and other appropriate measures that will enable them to carry out their professional functions without interference, harassment, threats or intimidation of any kind;

2. *Encourages* States to promote diversity in the composition of the members of the judiciary, including by taking into account a gender perspective and by actively promoting the balanced representation of women and men from various segments of society at all levels, and persons belonging to minorities and other disadvantaged groups, and to ensure that the requirements for joining the judiciary and the selection process thereof are non-discriminatory, public and transparent, based on objective criteria and guarantee the appointment of individuals of integrity and ability with appropriate training and qualifications in law, based on individual merit and under equal working conditions;

3. *Stresses* that the term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and age of retirement should be adequately secured by law, that the security of tenure of judges is an essential guarantee of the independence of the judiciary and that grounds for their removal must be explicit, with well-defined circumstances provided by law, involving reasons of incapacity or behaviour that renders them unfit to discharge their functions, and that procedures upon which the discipline, suspension or removal of a judge are based should comply with due process;

4. *Encourages* States to develop, as appropriate, policies, procedures and programmes in the area of restorative justice as part of a comprehensive justice system,

5. *Also encourages* States to consider, in collaboration with relevant national entities, such as bar associations, associations of judges and prosecutors, and educational institutions assisting the judiciary, developing guidance on issues such as gender, children,

persons with disabilities, indigenous peoples and migrants, among others, to inform the action of judges, lawyers, prosecutors and other actors in the judicial system;

6. *Emphasizes* that the Basic Principles on the Role of Lawyers provide that lawyers shall not be identified with their clients or their clients' causes as a result of discharging their function;

7. *Emphasizes* that lawyers should be enabled to discharge their functions freely, independently and without any fear of reprisal;

8. *Calls upon* States to ensure that prosecutors can perform their functional activities in an independent, objective and impartial manner;

9. *Condemns* all acts of violence, intimidation or reprisal, from any quarter and for any reason, against judges, prosecutors and lawyers, and reminds States of their duty to uphold the integrity of judges, prosecutors and lawyers and to protect them, and their families and professional associates, against all forms of violence, threat, retaliation, intimidation and harassment resulting from the discharging of their functions, and to condemn such acts and to bring perpetrators to justice;

10. *Expresses its deep concern* about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession, and calls upon States to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable;

11. *Calls upon* States, in collaboration with relevant national entities, such as bar associations, associations of judges and prosecutors, and educational institutions, to provide adequate training, including human rights training, for judges, prosecutors and lawyers, both on initial appointment and periodically throughout their careers, taking into account regional and international human rights law and, where applicable and relevant, the concluding observations and decisions of human rights mechanisms, such as treaty bodies and regional human rights courts;

12. *Encourages* States to take measures to combat discrimination in the administration of justice by, inter alia, providing for tailored and interdisciplinary human rights training, including anti-racist, multicultural, gender-sensitive and child rights training, to all judges, lawyers and prosecutors;

13. *Underscores* the importance for States of developing and implementing an effective and sustainable legal aid system that is consistent with their international human rights obligations and takes into account relevant commitments and good practices, so that legal aid is available and accessible at all stages of legal proceedings, subject to appropriate eligibility criteria;

14. *Urges* all Governments to cooperate with and to assist the Special Rapporteur on the independence of judges and lawyers in the performance of his or her tasks, to provide all information requested and to respond to communications transmitted to them by the Special Rapporteur without undue delay;

15. *Invites* States to take measures, including by adopting domestic legislation, to provide for independent and self-governing professional associations of lawyers and to recognize the vital role played by lawyers in upholding the rule of law and promoting and protecting human rights;

16. *Calls upon* States to ensure that legal provisions that are or have been adopted in relation to counter-terrorism or national security are consistent with the international obligations of the State concerning the right to a fair trial, the right to liberty,

the right to an effective remedy for violations of human rights and other provisions of international law relevant to the role of judges, prosecutors and lawyers;

17. *Invites* the Special Rapporteur to collaborate with relevant stakeholders within the United Nations system in the areas pertaining to the mandate;

18. *Calls upon* Governments to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their country, and urges States to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of his or her recommendations to enable him or her to fulfil the mandate even more effectively;

19. *Encourages* the Special Rapporteur to facilitate the provision of technical assistance and capacity-building and the dissemination of best practices, including through engagement with relevant stakeholders and in consultation with the Office of the United Nations High Commissioner for Human Rights, when requested by the State concerned, with a view to establishing and strengthening the rule of law, paying particular attention to the administration of justice and the role of an independent and competent judiciary and legal profession;

20. *Encourages* Governments that face difficulties in guaranteeing the independence of judges and lawyers, the objectivity and impartiality of prosecutors and their ability to perform their functions accordingly, or that are determined to take measures to implement these principles further to consult and to consider the services of the Special Rapporteur, for instance by inviting him or her to visit their country;

21. *Also encourages* Governments to give due consideration to recommendations made by United Nations human rights mechanisms, and to implement supported recommendations of the universal periodic review process, addressing the independence and effectiveness of the judiciary and their effective implementation, and invites the international community, regional organizations and the United Nations system to support any implementation efforts;

22. *Invites* United Nations agencies, funds and programmes to continue their activities in the areas of the administration of justice and the rule of law, including at the country level at the request of the State, encourages States to reflect such activities in their national capacity-building plans, and emphasizes that institutions concerned with the administration of justice should be properly funded;

23. *Encourages* States to ensure that their legal frameworks, implementing regulations and judicial manuals are fully in line with their international obligations and take into account relevant commitments in the areas of the administration of justice and the rule of law;

24. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

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35/13. Protection of the family: role of the family in supporting the protection and promotion of human rights of older persons

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action, the Beijing Declaration and Platform for Action, the Programme of Action of the International Conference on Population and Development and the Political Declaration and Madrid International Plan of Action on Ageing, 2002, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and other relevant human rights instruments, including the Declaration on the Right to Development,

Recalling Human Rights Council resolutions on protection of the family, including its most recent, resolution 32/23, adopted on 1 July 2016,

Recalling also all General Assembly resolutions concerning the proclamation of, preparations for and observance and commemoration of the International Year of the Family and its tenth and twentieth anniversaries,

Recalling further the General Assembly and Human Rights Council resolutions on the issue of the human rights of older persons,

Acknowledging the work of the Independent Expert on the enjoyment of all human rights by older persons,

Recognizing that the objectives of the International Year and its follow-up processes, especially those relating to family policies in the areas of poverty, work–family balance and intergenerational issues, with attention given to the rights and responsibilities of all family members, can contribute to ending poverty, ending hunger, ensuring a healthy life and promoting the well-being of all at all ages, promoting lifelong learning opportunities for all, and ensuring better education outcomes for children, to gender equality and the

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empowerment of all women and girls, and to the full enjoyment by older persons of all human rights and fundamental freedoms, as part of an integrated and comprehensive approach to development,

Reaffirming that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Affirming that everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control,

Recognizing the potential contribution of the family to society, national development and the achievement of major objectives of every society and of the United Nations, and noting with concern that such a contribution continues to be underestimated,

Recalling that the pledge made by all States with the adoption of the 2030 Agenda for Sustainable Development[1] to leave no one behind involves addressing inequality and discrimination, and provides an opportunity to tackle inequities faced, inter alia, by older persons, especially those who are marginalized or in vulnerable situations, and their families,

Recognizing the essential contribution that older persons can continue to make to the functioning of societies and towards the implementation of the 2030 Agenda if adequate guarantees are in place,

Welcoming the holding of the intersessional seminar on the protection of the family and disability,

1. *Reaffirms* that the family is the natural and fundamental group unit of society, and is entitled to protection by society and the State;

2. *Also reaffirms* that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all individuals, including older persons, and stresses the fundamental importance of full respect for human rights and fundamental freedoms of all the members of the family, including older persons;

3. *Stresses* the primary responsibility of States in promoting, providing and ensuring access to basic social services for older persons, bearing in mind their specific needs, and to this end underlines the need to work together with local authorities, civil society, including non-governmental organizations, the private sector, volunteers and voluntary organizations, older persons themselves and associations for and of older persons, as well as families and communities;

4. *Recognizes* the challenges related to the enjoyment of all human rights that older persons face in areas such as prevention of and protection against violence and abuse, social protection, food and nutrition, housing, employment, legal capacity, access to justice, health services, including physical and mental health support, and long-term and palliative care services, and that those challenges require in-depth analysis and action to better address them;

[1] General Assembly resolution 70/1.

5. *Reiterates* the call for all States to empower older persons to fully and effectively participate in the economic, political and social lives of their societies;

6. *Emphasizes* the importance of protecting and promoting the human rights of older persons, and urges States to integrate the promotion of and respect for the human rights of older persons into their respective national development frameworks, taking into account those marginalized and in the most vulnerable situations, to ensure that no one is left behind and that those furthest behind are reached first;

7. *Reaffirms* the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2] an integral part of the 2030 Agenda for Sustainable Development, in which it is recognized that investing in older persons is critical to achieving inclusive, equitable and sustainable development for present and future generations, and the vital importance of promoting and protecting the rights of all and ensuring that no one is left behind;

8. *Recognizes* the positive impact that policies and measures to support families and protect them from poverty, exclusion, violence and involuntary separation can have on protecting and promoting the human rights of their members, including those of older persons, and on achieving equality between women and men and girls and boys, empowering women and girls, and enhancing protection against violence, abuses, sexual exploitation, the worst forms of child labour, and harmful practices, while bearing in mind that violations and abuses of the human rights and fundamental freedoms of family members adversely affect families and have a negative impact on efforts aimed at protecting the family;

9. *Also recognizes* that neglect, abuse and violence against older persons takes many forms – physical, psychological, emotional, financial – and occurs in every social, economic, ethnic and geographic sphere, including within the family, and calls upon States to, inter alia, enact legislation and strengthen legal efforts to eliminate elder abuse; and educate and sensitize professionals and the general public on violence and abuse of older persons, its various characteristics and causes, and protection of and respect for their human rights and needs;

10. *Further recognizes* that older women face a greater risk of physical and psychological abuse due to discriminatory societal attitudes and the non-realization of their human rights, and that some harmful traditional and customary practices result in abuse and violence directed at older women, often exacerbated by poverty and lack of access to legal protection;

11. *Stresses* that equality between women and men, and equal participation of women in employment, public life and decision-making, as well as shared parental and household responsibilities, are essential elements of family policies;

12. *Recognizes* that the family, while respect for the rights of its members is ensured, is a strong force for social cohesion and integration, intergenerational solidarity and social development, and that the family plays a crucial role in the preservation of cultural identity, traditions, morals, heritage and the values system of society;

13. *Conscious* that families are sensitive to strain caused by social and economic changes, expresses deep concern that conditions have worsened for many families owing to consequences of economic and financial crises, lack of job security, temporary employment and lack of regular income;

[2] General Assembly resolution 69/313, annex.

14. *Recognizes* that the family unit is facing increasing vulnerabilities and pressures, and notes that, inter alia, single parent-headed households, child-headed households, families with members with disabilities and intergenerational households might be particularly vulnerable to poverty and social exclusion, and resolves to pay particular attention to them, while bearing in mind that a considerable proportion of households worldwide are headed by women and many other households are dependent on female income, and that female-maintained households are very often among the poorest because of wage discrimination;

15. *Remains convinced* that older persons, including those with disabilities, and their family members should receive the protection and assistance necessary to achieve the full and equal enjoyment of human rights by every person;

16. *Highlights* the role of families in supporting their members, including older persons, and recognizes their potential in contributing to the protection and promotion of older persons among their members;

17. *Stresses* that families remain the first and most immediate environment where older persons can develop their potential and enjoy a fulfilling life, and that the realization of the human rights of older persons can be deeply affected by the quality of life and the support and assistance provided to them, including through access to a range of support services that are responsive to individual choices, wishes and needs;

18. *Affirms* that older persons have equal rights with respect to family life, and that States should realize these rights and prevent the concealment, abandonment, neglect and segregation of older persons and undertake to provide early and comprehensive information, services and support to older persons and their families;

19. *Emphasizes* that consultation with older persons is essential in the formulation and adoption of legislation and policies relating to their specific needs and concerns;

20. *Encourages* States to increase efforts to raise awareness of the Madrid International Plan of Action on Ageing, 2002, including by promoting and supporting initiatives to advance a positive public image of older persons and their multiple contributions to their families, communities and societies and by working with the respective international, regional and national bodies and mechanisms, as appropriate;

21. *Also encourages* States to continue their efforts to implement the Madrid Plan of Action and to mainstream the concerns of older persons into their policy agendas, bearing in mind the crucial importance of intergenerational family interdependence, solidarity and reciprocity for social development and the realization of all human rights of older persons, and to prevent discrimination against older persons and provide social integration;

22. *Recognizes* the importance of strengthening intergenerational partnerships and solidarity, and in this regard calls upon Member States to promote opportunities for voluntary, constructive and regular interaction between generations in the family, the workplace and society at large;

23. *Encourages* States and non-governmental bodies to establish social and care services to support the whole family and individual carers when there are older people at home and to implement such measures, especially for low-income families, to be able to care for the older people at home;

24. *Recognizes* the potential of older persons as leaders in the family and community for education, communication and conflict resolution;

25. *Stresses* the need for States to adopt immediate, effective and appropriate measures aimed at raising awareness throughout society, including at the family level, regarding older persons, with a view to fostering respect for their rights and dignity;

26. *Urges* States, in accordance with their respective obligations under international human rights law, to provide the family, as the natural and fundamental group unit of society, with effective protection, support and assistance, and encourages States in this regard to take, as appropriate, relevant effective measures to the maximum of their available resources;

27. *Recognizes* the important role of civil society, including organizations of older persons and their families, national human rights institutions, research institutes and academia, in advocacy, promotion, research and policymaking and, as appropriate, the evaluation of family policy development and capacity-building;

28. *Also recognizes* that the family unit plays a key role in social development, and as such should be strengthened and attention paid to the rights, capabilities and responsibilities of its members, and invites States, the organizations of the United Nations system and all other relevant stakeholders to take into account the role of the family as a contributor to sustainable development and the need to strengthen family policy development in their ongoing efforts to achieve the internationally agreed development goals, including the 2030 Agenda;

29. *Invites* the United Nations High Commissioner for Human Rights, the treaty bodies, relevant special procedure mandate holders and other relevant international and regional human rights mechanisms, within their respective mandates and competence, to pay due attention in their work to the implementation by States of their obligations under relevant provisions of international human rights law to provide protection and support to the family as the natural and fundamental unit of society;

30. *Decides* to convene, with the support of the High Commissioner, before the thirty-eighth session of the Human Rights Council, a one-day intersessional seminar on the impact of the implementation by States of their obligations under relevant provisions of international human rights law with regard to the protection of the family on the role of the family in supporting the protection and promotion of the human rights of older persons, and to discuss challenges and best practices in this regard, with the participation of Member States and other relevant stakeholders, including national human rights institutions, academic experts and civil society organizations;

31. *Requests* the High Commissioner to present a report on the seminar, in the form of a summary, to the Human Rights Council at its thirty-ninth session;

32. *Decides* to remain seized of the matter.

35th meeting
22 June 2017

[Adopted by a recorded vote of 30 to 12, with 5 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Germany, Japan, Latvia, Netherlands, Portugal, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Brazil, Georgia, Hungary, Panama, Republic of Korea]

United Nations A/HRC/RES/35/14

General Assembly

Distr.: General
18 July 2017

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Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/14. Youth and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and relevant international human rights instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling also Human Rights Council resolution 32/1 of 30 June 2016 on youth and human rights,

Recalling further all previous relevant resolutions, including the most recent, namely, General Assembly resolution 70/127 of 17 December 2015 on policies and programmes involving youth, and Assembly resolution 50/81 of 14 December 1995, by which the Assembly adopted the World Programme of Action for Youth to the Year 2000 and Beyond,

Recalling the Vienna Declaration and Programme of Action, in which it is stated that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and reaffirming the need to develop and implement strategies that give young people everywhere real opportunities to enable their full, effective and meaningful participation in society,

Welcoming also the high-level event held by the General Assembly on 29 May 2015 to mark the twentieth anniversary of the World Programme of Action for Youth, which offered an important opportunity for Member States and other relevant stakeholders to take

[1] General Assembly resolution 70/1.

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stock of progress made in its implementation, as well as to identify gaps and challenges and the way forward for its full, effective and accelerated implementation,

Taking note of the summary on the expert meeting organized by the Office of the United Nations High Commissioner for Human Rights in July 2013, in which it was recognized that young people experience difficulties in the exercise of their rights by virtue of being young and that there are gaps in the protection and fulfilment of the human rights of youth,

Welcoming the convening at the thirty-third session of the Human Rights Council of the panel discussion on youth and human rights, at which challenges were identified for the empowerment of young people in the exercise of their rights,

Noting the Forum on Human Rights, Democracy and the Rule of Law convened by the Human Rights Council on 21 and 22 November 2016, with the theme "Widening the democratic space: the role of youth in public decision-making",

Encouraging contributions by the United Nations High Commissioner for Human Rights, the special procedures and the treaty bodies, as well as the Envoy of the Secretary-General on Youth and other relevant international and regional human rights mechanisms in identifying and addressing obstacles to the enjoyment of all human rights by youth,

Underlining the important role that youth can play in the promotion of peace, sustainable development and human rights, and the importance of the active and wide participation of youth in decision-making,

Conscious that today's generation of youth is the largest that the world has ever witnessed, and therefore encouraging States to exert further efforts to ensure the respect, protection and fulfilment of all human rights for young people, including all economic, social, cultural, civil and political rights, given that lack of participation and opportunity has adverse consequences for communities and societies,

Concerned that young people face specific challenges that require integrated responses by States, the United Nations system and other stakeholders,

1. *Takes note with appreciation* of the summary report of the panel discussion on youth and human rights prepared by the United Nations High Commissioner for Human Rights,[2] which summarizes the growing challenges that disproportionately affect the current generation of young people, and nonetheless draws attention to the crucial role that young people play in realizing human rights, peace and sustainable development;

2. *Calls upon* all States to promote and ensure the full realization of all human rights and fundamental freedoms for youth, including, where appropriate, by taking measures to combat age discrimination, neglect, abuse and violence, and to address issues related to barriers to social integration and adequate participation, bearing in mind that the full enjoyment of human rights and fundamental freedoms by young people empowers them to contribute as active members of society to the political, civil, economic, social and cultural development of their countries;

3. *Encourages* all States to conduct their coherent youth-related policies through inclusive and participatory consultations with relevant stakeholders and social development partners in the interest of developing effective and comprehensive policies, as well in the development of their national action plans to implement the 2030 Agenda for Sustainable Development;

[2] A/HRC/35/7.

4. *Urges* Member States to consider addressing, through the universal periodic review and the treaty bodies, issues pertaining to the full and equal enjoyment of all human rights for youth, and to share the best practices that they have developed in dealing with the realization of human rights for young people;

5. *Requests* the High Commissioner, in consultation with and taking into account the views of States and relevant stakeholders, including relevant United Nations agencies, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions, civil society and representatives of youth organizations, to conduct a detailed study on the implementation of human rights with regard to young people, the identification of cases of discrimination against young people in the exercise of their human rights, and best practices in the full and effective enjoyment of human rights by young people, highlighting the contribution of empowered youth to the realization of human rights in society, to be submitted to the Council prior to its thirty-ninth session;

6. *Decides* to remain seized of the matter.

35th meeting
22 June 2017

[Adopted without a vote.]

United Nations A/HRC/RES/35/15

General Assembly

Distr.: General
11 July 2017

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Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/15. Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Welcoming the universal ratification of the Geneva Conventions of 12 August 1949, which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Mindful of all relevant General Assembly, Human Rights Council and Commission on Human Rights resolutions on extrajudicial, summary or arbitrary executions, in particular Commission resolution 2004/37 of 19 April 2004, Council resolutions 8/3 of 18 June 2008, 17/5 of 16 June 2011 and 26/12 of 26 June 2014 and Assembly resolutions 61/173 of 19 December 2006, 65/208 of 21 December 2010, 67/168 of 20 December 2012, 69/182 of 18 December 2014 and 71/198 of 19 December 2016,

Acknowledging that extrajudicial, summary or arbitrary executions are crimes under the Rome Statute of the International Criminal Court,

Convinced of the need for effective action to combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the inherent right to life,

Dismayed that, in a number of countries, impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions,

1. *Strongly condemns once again* all extrajudicial, summary or arbitrary executions, in all their forms, that continue to take place throughout the world;

2. *Acknowledges* the importance of relevant special procedures of the Human Rights Council, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in their key role as early warning mechanisms in preventing the crime of genocide, crimes against humanity and war crimes, and encourages the relevant special procedures, within their mandates, to cooperate towards this end;

3. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

4. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;

5. *Welcomes* the work of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and notes with appreciation the thematic reports presented to the Human Rights Council during the mandate on the use of information and communications technologies to secure the right to life,[1] on the right to life and the use of force by private security providers in law enforcement contexts[2] and on a gender-sensitive approach to arbitrary killings,[3] and invites States to give due consideration to the conclusions and recommendations given therein;

6. *Commends* the important role that the Special Rapporteur plays towards eliminating extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within the framework of the mandate, to collect information from all concerned, to respond effectively to information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in the elaboration of his or her reports;

7. *Requests* the Special Rapporteur, in carrying out the mandate:

(*a*) To continue to examine situations of extrajudicial, summary or arbitrary executions in all circumstances and for whatever reason, and to submit his or her findings on an annual basis, together with conclusions and recommendations, to the Human Rights Council and the General Assembly, and to draw the attention of the Council to serious

[1] A/HRC/29/37.
[2] A/HRC/32/39.
[3] A/HRC/35/23.

situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*b*) To continue to draw the attention of the United Nations High Commissioner for Human Rights to serious situations of extrajudicial, summary or arbitrary executions that warrant immediate attention or where early action might prevent further deterioration;

(*c*) To respond effectively to information that comes before him or her, in particular when an extrajudicial, summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

(*d*) To enhance further his or her dialogue with Governments, and to follow up on recommendations made in reports after visits to particular countries;

(*e*) To continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, and the Second Optional Protocol thereto;

(*f*) To apply a gender perspective in his or her work;

8. *Urges* States:

(*a*) To cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay;

(*b*) To give serious consideration to responding favourably to the Special Rapporteur's requests to visit their countries;

(*c*) To ensure appropriate follow-up to the recommendations and conclusions of the Special Rapporteur, including by providing information to the Special Rapporteur on the actions taken on those recommendations;

9. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

10. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable him or her to carry out the mandate effectively, including through country visits;

11. *Decides* to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years;

12. *Also decides* to continue to consider this matter in conformity with its programme of work.

35th meeting
22 June 2017

[Adopted without a vote.]

United Nations A/HRC/RES/35/16

General Assembly

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12 July 2017

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Thirty-fifth session
6–23 June 2017
Agenda item 3

Resolution adopted by the Human Rights Council on 22 June 2017

35/16. Child, early and forced marriage in humanitarian settings

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions 24/23 of 27 September 2013 and 29/8 of 2 July 2015, and recalling General Assembly resolutions 69/156 of 18 December 2014 and 71/175 of 19 December 2016,

Acknowledging that international humanitarian law and international human rights law are complimentary and mutually reinforcing,

Reaffirming the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

Reaffirming also relevant resolutions and agreed conclusions of the Commission on the Status of Women, and recalling the relevant commitments made by States in the framework of the World Humanitarian Summit, as well as relevant general comments of the human rights treaty bodies relating to child, early and forced marriage,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[1] and noting the integrated nature of the 2030 Agenda and the range of goals and targets relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3,

[1] General Assembly resolution 70/1.

Welcoming also the adoption of General Assembly resolution 71/1 of 19 September 2016 on the New York Declaration for Refugees and Migrants,

Noting the work of the World Health Organization High-level Working Group on the Health and Human Rights of Women, Children and Adolescents,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on the expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage,[2] and taking note with appreciation of the report of the Secretary-General on child, early and forced marriage,[3]

Noting with appreciation the ongoing United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, as well as regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage and the Regional Action Plan to End Child Marriage in South Asia, and ongoing United Nations activities and programmes on child, early and forced marriage, and further encouraging coordinated approaches to action at all levels,

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices, including female genital mutilation, and human rights violations, and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate child, early and forced marriage,

Deeply concerned by the impact of deep-rooted gender inequalities, norms and stereotypes and of harmful practices, perceptions and customs that are among the primary causes of child, early and forced marriage, and deeply concerned also that poverty and lack of education are also among the drivers of this harmful practice, and that it remains common in rural areas and among the poorest communities,

Recognizing that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives, and remains an impediment not only to the economic, legal, health and social status of women and girls but also to the development of society as a whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty, and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

Noting with concern that child, early and forced marriage disproportionally affects girls who have received little or no formal education, and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth and/or childcare responsibilities, and recognizing that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making,

[2] A/HRC/35/5.
[3] A/71/253.

Strongly condemning attacks on and abductions of all girls, deploring all attacks, including terrorist attacks, on educational institutions, their students and staff, and urging States to protect them from attacks,

Recognizing that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health of women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence,

Recognizing also that, in humanitarian settings, which include humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, pre-existing human rights issues are further exacerbated and that new violations and abuses arise in consequence of the crisis,

Noting with concern that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, breakdown of the rule of law and State authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside marriage, absence of family planning services, disruptions in social networks and routines, increased poverty and the absence of livelihood opportunities,

Recognizing that ending child, early and forced marriage requires increased attention, gender and age-sensitive approaches, appropriate protection, prevention and response measures and coordinated action by relevant stakeholders, with the full and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing also the importance of addressing the increased vulnerability of women and girls to sexual and gender-based violence and sexual exploitation and abuse in those situations,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Calls upon* States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups, humanitarian actors, men and boys, and youth organizations, to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies, and the sharing of best practices across borders, in full compliance with international human rights obligations and commitments;

3. *Urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all

matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Also urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. *Further urges* States to promote, respect and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

6. *Calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

7. *Also calls upon* States, with the support of humanitarian partners, health-care providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonizing such interventions into efforts focused on conflict-prevention, the protection of civilians and access to information and services;

8. *Invites* all stakeholders to promote the use of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action;

9. *Encourages* States to promote open dialogue with all parties concerned, including religious and community leaders, women, girls, men and boys, parents, legal guardians, and other family members, as well as humanitarian and development actors in order to address the concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large;

10. *Calls upon* States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially

girls, on all issues affecting them, and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

11. *Also calls upon* States to promote, respect and protect the rights of women and girls to education through enhanced emphasis on quality education, and to ensure universal access to sexual and reproductive health-care services, information and education, as set out in target 3.7 of the 2030 Agenda, and to promote school enrolment and retention among girls, including in secondary school, and by allowing access to education services for children who have been forced to flee their homes, schools and communities, and to ensure that schools offer them safe and supportive environments;

12. *Urges* States to provide specialized child protection services to refugee and displaced children that take into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage;

13. *Also urges* States, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, sanitation, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as critical components of humanitarian response, and to ensure that civil registration and vital statistics are an integral part of humanitarian assessments and that livelihoods are protected, recognizing that poverty and lack of economic opportunities for women and girls are among the drivers of child, early and forced marriage;

14. *Further urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

15. *Invites* States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the universal periodic review, any best practices and implementation efforts, as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings;

16. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States in developing and implementing strategies and policies at the national, regional and international levels to effectively develop measures to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings;

17. *Encourages* relevant existing mechanisms of the Human Rights Council to give due consideration to the issue of child, early and forced marriage, including in humanitarian settings, during the exercise of their mandates;

18. *Requests* the Office of the United Nations High Commissioner for Human Rights to create a web portal to bring together and collate information relating to child, early and forced marriage, including in humanitarian settings;

19. *Requests* the United Nations High Commissioner for Human Rights to provide a written report, with input from all relevant stakeholders, on child, early and forced marriage with a focus on humanitarian settings to the Human Rights Council at its forty-first session, and to provide an oral update thereon to the Council at its thirty-eighth session;

20. *Decides* to continue its consideration of the issue of strengthening efforts to prevent and eliminate child, early and forced marriage.

35th meeting
22 June 2017

[Adopted without a vote.]

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Resolution adopted by the Human Rights Council on 22 June 2017

35/17. Protection of the human rights of migrants: the global compact for safe, orderly and regular migration

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each

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State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting, protecting and respecting the human rights of all persons, including all migrants, regardless of their migration status, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting, protecting and respecting the human rights of all migrants, and urging all countries to avoid approaches that might aggravate their vulnerable situation,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Underscoring that all migrants, regardless of their migration status, are human rights holders, and reaffirming the need to protect their safety, dignity and human rights and fundamental freedoms,

Reaffirming the New York Declaration for Refugees and Migrants and the annexes thereto, adopted by the General Assembly in its resolution 71/1 of 19 September 2016, and calling for the fulfilment of the commitments of Member States reflected therein,

Stressing the need to mainstream human rights throughout the global compact for safe, orderly and regular migration and, in this regard, welcoming the informal thematic session on the human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance, held in Geneva in May 2017, and taking note of the other informal thematic sessions, regional and subregional consultations and multi-stakeholder hearings,

Taking note of General Assembly resolution 71/280 of 6 April 2017 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration,

Noting with appreciation the enhanced interactive dialogue on the human rights of migrants in the context of large movements, held by the Human Rights Council at its thirty-fourth session,

Taking note with appreciation of the report on the promotion and protection of the human rights of migrants in the context of large movements,[1] submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-third session,

Taking note with appreciation also of the reports of the Special Rapporteur on the human rights of migrants on global migration, including the report on the human rights of

[1] A/HRC/32/67.

migrants on a 2035 agenda for facilitating human mobility,[2] and taking note of the conclusions of the report of the Special Rapporteur submitted to the General Assembly,[3]

Taking note with appreciation further of the report of the Special Representative of the Secretary-General on Migration,[4]

Noting with appreciation the work performed by the Global Migration Group and, in particular, its Working Group on Migration, Human Rights and Gender, on principles and practical guidance on the protection of the human rights of migrants in vulnerable situations,

Noting the ninth summit meeting of the Global Forum on Migration and Development, held in Dhaka in December 2016, which emphasized, inter alia, the importance of improving the governance of migration which encourages the formulation of a comprehensive framework that covers all the relevant dimensions of migration, the promotion of migration and development, and addressing irregular migration, and welcoming the convening of the tenth summit meeting, in Berlin, from 28 to 30 June 2017,

Bearing in mind that policies and initiatives on the issue of migration should promote holistic approaches that take into account the causes and consequences of the phenomenon, and acknowledging that poverty, underdevelopment, lack of opportunities, poor governance and environmental factors, human rights violations and abuses, and armed conflict, terrorism, absence of peace and security, conflict prevention and resolution are among the drivers of migration,

Deeply concerned about the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their migration status, and reaffirming the commitment to take action to avoid the loss of life of migrants,

Expressing serious concern about the special needs of and risks faced by migrants in vulnerable situations, including women at risk, children, especially unaccompanied migrant children or children separated from their families, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking and victims of exploitation and abuse in the context of the smuggling of migrants, and recognizing the need to address vulnerable situations and the disproportionate risks migrants may face, particularly with regard to discrimination and exploitation, as well as sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery, racism, xenophobia, discrimination and intolerance towards all migrants,

Expressing serious concern also about the particular vulnerable situations and risks faced by migrants, which can arise from the reasons for leaving country of origin, circumstances encountered by migrants en route, at borders and at destination, specific aspects of a person's identity or circumstance or a combination of these factors,

Recalling that each State has a sovereign right to determine whom to admit to its territory, subject to that State's international obligations, and recalling also that States must readmit their returning nationals and ensure that they are duly received without undue delay, following confirmation of their nationalities in accordance with national legislation,

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[2] A/HRC/35/23.
[3] A/71/285.
[4] A/71/728.

Expressing concern at the increasing trend of xenophobia and hostility towards migrants in societies and the criminalization of irregular migration, which might have a negative impact on the fulfilment of human rights globally,

Recognizing the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations, and highlighting the principles and practical guidance on the human rights protection of migrants in vulnerable situations developed by the Global Migration Group as a contribution to further work in this regard,

Recognizing also that any type of return, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and in compliance with the principle of non-refoulement and should be in keeping with the best interest of children and due process,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the contribution of civil society, including non-governmental organizations, to promoting the well-being of migrants and their integration into societies, especially at times of extremely vulnerable conditions, and encouraging deeper interaction between Governments and civil society to find responses to the challenges and the opportunities posed by international migration,

Recognizing also the cultural and economic contributions made by all migrants, regardless of their migration status, to receiving societies and their communities of origin, and the need to identify appropriate means of maximizing development benefits and responding to the complex challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[5] which recognizes the positive contribution of migrants for inclusive growth and sustainable development, and that international migration is a multidimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses involving full respect for human rights and the humane treatment of migrants, regardless of their migration status, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

1. *Reaffirms* the need to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children, persons with disabilities and those who are discriminated against on any basis, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit

[5] General Assembly resolution 70/1.

and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migration status, particularly in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

3. *Underlines* the importance of a comprehensive approach to the global compact for safe, orderly and regular migration, ensuring a people-centered, sensitive, humane, dignified, gender-responsive and prompt reception for all persons arriving in receiving countries, particularly those in large movements, and ensuring full respect and protection for their human rights and fundamental freedoms;

4. *Calls upon* all States to promote the mainstreaming of the human rights and fundamental freedoms of migrants, including women and children, regardless of their migration status, and the specific needs of migrants in vulnerable situations, including the identification and protection of victims of human trafficking, in the context of the preparatory process leading to the adoption of the global compact for safe, orderly and regular migration;

5. *Takes note with appreciation* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation, including by considering incorporating them into any practical actions agreed in the global compact for safe, orderly and regular migration;

6. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

7. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

8. *Reaffirms* the duty of States to effectively promote, protect and respect the human rights and fundamental freedoms of all migrants, including those of women and children at risk, especially unaccompanied migrant children or children separated from their families, persons with disabilities and those who are discriminated against on any basis, regardless of their migration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

9. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants;

10. *Reaffirms* that, while States have the sovereign right to enact and implement migration and border security measures, they have a duty to comply with their obligations under relevant international law, including international human rights law and refugee law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

11. *Invites* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination, including by considering reviewing migration policies with a view to examining their possible unintended negative consequences;

12. *Calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their migration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

13. *Also calls upon* all States to adopt a comprehensive and integral approach to migration policies, to facilitate safe, orderly, regular and responsible migration and mobility of people, to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents, and to address efficiently its challenges in accordance with international human rights standards;

14. *Calls upon* States to give due consideration to the proposal of the Special Rapporteur on the human rights of migrants on a 2035 agenda for facilitating human mobility[2] when participating in the preparatory process and during the negotiation of the global compact for safe, orderly and regular migration;

15. *Encourages* the Office of the High Commissioner to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

16. *Encourages* non-governmental organizations, civil society organizations, national human rights institutions and other relevant stakeholders to participate in the informal thematic sessions and informal interactive multi-stakeholder hearings requested by the General Assembly, as part of the preparatory process for the intergovernmental conference, in accordance with Assembly resolution 71/280 on modalities for the intergovernmental negotiations of the global compact for safe, orderly and regular migration;

17. *Encourages* special procedure mandate holders and treaty bodies, in accordance with their respective mandates and in coordination with the United Nations system as a whole, to provide input and to support the State-led preparatory process for the global compact and the intergovernmental conference in accordance with General Assembly resolution 71/280;

18. *Requests* the United Nations High Commissioner for Human Rights:

(*a*) To participate in, as appropriate, and contribute to the preparatory process of the global compact for safe, orderly and regular migration with a view to providing human rights-based input and mainstreaming human rights throughout the global compact;

(*b*) To submit, as co-Chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-seventh session;

(*c*) To submit to the Human Rights Council before its thirty-sixth session a report on the compendium of principles, good practices and policies on safe, orderly and regular migration in accordance with international human rights law, in consultation with States and other relevant stakeholders, including regional organizations, civil society

organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-second session;

(*d*) To submit, through the appropriate means, all relevant inputs from the Human Rights Council and its bodies and mechanisms for consideration in the preparation of the global compact for safe, orderly and regular migration, in accordance with General Assembly resolution 71/280;

19. *Invites* all States to take into account, during their participation in the preparatory process, including the negotiation leading to the adoption of the global compact for safe, orderly and regular migration, the inputs produced by the Human Rights Council and its bodies and mechanisms;

20. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

21. *Encourages* States and regional and international organizations to enhance their cooperation with the Special Rapporteur on the human rights of migrants;

22. *Decides* to remain seized of the matter.

36th meeting
22 June 2017

[Adopted without a vote.]